# IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**LETTERS PATENT APPEAL No. 754 of 2003**
**In**
**SPECIAL CIVIL APPLICATION No. 697 of 2003**
**With**
**CIVIL APPLICATION No. 4000 of 2003**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE B.J.SHETHNA**
**HONOURABLE MR.JUSTICE M.C.PATEL**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**DILIPKUMAR SUKHLAL PATEL & 5 - Appellant(s)**

**Versus**

**HDO PROCESS EQUIPMENT & SYSTEMS LTD. - Respondent(s)**

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**Appearance :**
MR BP GUPTA for Appellant(s) : 1 - 6.
NANAVATI ASSOCIATES for Respondent(s) : 1,
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**CORAM : HONOURABLE MR.JUSTICE B.J.SHETHNA**
**and**
**HONOURABLE MR.JUSTICE M.C.PATEL**

**Date : 20/10/2005**

**ORAL JUDGMENT (Per : HONOURABLE MR.JUSTICE B.J.SHETHNA)**

In this matter, on earlier occasion, attempts were

made by the parties to settle the matter outside the court and on behalf of the respondent – Company, some amount was offered but thereafter, on the suggestion made by the court, the learned counsel for the respondent agreed to enhance the said amount and accordingly, the amount was offered which was acceptable to both the appellants – workmen as well as their learned counsel. Therefore, they have reduced it in writing and placed the compromise purshis before us, which is ordered to be taken on record.

2. The Labour Court, Ahmedabad, by its impugned judgment and award dated 28th November, 2002 passed in Reference (LCA) No.263 of 2001, ordered reinstatement of the appellants – workmen with full back wages and ordered the respondent – Company to pay cost of Rs.700/- to each workman. This was challenged by the respondent – Company before this court by way of a writ petition i.e. Special Civil Application No.697 of 2003 which was partly allowed by the learned Single Judge of this court (Ravi R. Tripathi, J.) on 20th February, 2003 and the impugned judgment and award passed by the Labour Court was modified to the extent that the workmen were ordered to be paid all benefits under the V.R.S. which were paid to

other workmen of the respondent – Company under 2(p) of the settlement and in addition to it, they were ordered to be paid 70% back wages in lieu of their reinstatement. Aggrieved by this part of the order, the appellants – workmen have come in this appeal.

3. Today, all the appellants – workmen have given a purshis in this appeal through learned counsel Shri B.P. Gupta which is duly signed by Shri Gupta as well as Shri Keyur Gandhi for Nanavati Associates for the respondent – Company wherein it is stated that as per the settlement arrived at between the parties, all the five appellants – workmen would be entitled for the amount which is mentioned in it by way of full and final settlement in the matter and thereafter, there will not be any claim against the respondent – Company in future. It is duly signed by them in presence of their learned counsel Shri Gupta. In the said purshis, name of the employees and amount is mentioned. The appellant no.1 workman Dilip S. Patel would be entitled for Rs.5,26,000/-, the appellant no.2 workman Dineshbhai M. Parmar would be entitled for Rs.4,86,000/-, the appellant no.5 workman Kishore V. Patel would be entitled for Rs.5,06,000/-, the appellant

no.6 workman Mahendra C. Suthar would be entitled for Rs.3,40,000/- and the appellant no.4 workman Bhupat C. Patel would be entitled for Rs.3,42,000/-. They were present in the court and they were asked about the settlement. They made a solemn statement that without any compulsion, on their own willingness, they have arrived at this settlement and none of them will have any dispute in future in the matter.

3.1 The appellant no.3 Patel Alkeshbhai Ratikbhai and appellant no.7 Suthar Maheshbhai Jibanbhai have already settled the matter with the respondent no.3 – Company, as stated at the bar by the learned counsel for the parties.

4. In terms of the settlement dated 20th October, 2005 arrived at between the parties, this appeal is disposed of by modifying the orders passed by the learned Single Judge of this court in Special Civil Application No.697 of 2003 and the order passed by the Labour Court. It was agreed between the learned counsel for the parties that the respondent – Company will pay 50% of the amount to the appellants – workmen by the end of this month and remaining 50% of the amount by 10th December, 2005. It is also agreed between the learned counsel for the parties

that the respondent – Company will fully cooperate for releasing the Provident Fund amount lying in the Provident Fund account of the workmen.

Civil Application is disposed of as the main appeal is disposed of.

Copy of this order be given to both the learned counsel for the parties forthwith for its immediate implementation.

( B.J. Shethna, J. )

( M.C. Patel, J. )

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